

Memorandum

To: Nate Scribner, City of Sunnyvale
Peder Jorgensen, Schaaf & Wheeler

From: Justin Semion

Date: February 24, 2016

Subject: Permit Conditions for Sunnyvale Baylands Pump Station #2

The following summarizes actions required by project regulatory permits that need to be taken by the Contractor, City of Sunnyvale and/or a biologist acting on behalf of the City of Sunnyvale prior to, during, and after construction for the Sunnyvale Baylands Pump Station #2 project. The list below is divided into the following categories:

- **Construction compliance and coordination requiring biological expertise.** These measures require biological expertise to implement, or interface directly with measures that require biological expertise.
- **Contractor implemented measures.** These measures are required during construction and are best undertaken by the contractor because they require extensive manual labor or interface directly with contractor operations.

Construction Compliance and Preconstruction Coordination Requiring Biological Expertise

Permit Compliance Measure

Recommended Responsible Party

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| B1. Discharge fee of \$600 due to RWQCB when project construction starts | City of Sunnyvale |
| B2. Within 30 days of ground disturbance, provide written notification to RWQCB that the project has started construction | WRA |
| B3. Pre-construction training of construction workers by an agency-approved biologist. The biologist will be the contact person for any employee or contractor who might inadvertently kill or injure a listed species. | WRA |
| B4. Monitoring of vegetation removal during exclusion fence installation completed by a qualified biologist with knowledge of salt marsh harvest mouse biology and habitat requirements. The biologist is required to call for a stop work or pause to work if a salt marsh harvest mouse is observed during fence installation. | WRA |

<i>Permit Compliance Measure</i>	<i>Recommended Responsible Party</i>
B5. The qualified biologist will complete inspections of the exclusion fence on a weekly or bi-weekly basis, as warranted.	WRA
B6. Pre-construction breeding bird surveys completed by a qualified biologist within 14 days of construction beginning between February 1 and August 31. Nest buffers will be established if detected.	WRA
B7. Documentation of pre-construction vegetation conditions via photographs and vegetation monitoring at selected monitoring locations.	WRA
B8. Submit Riparian Repair and Maintenance Short Form to the RWQCB Wetland Portal	WRA

Construction Related Permit Measures Implemented by the Contractor

<i>Permit Compliance Measure</i>	<i>Recommended Responsible Party</i>
C1. Specific requirements of a Spill Response plan, as detailed in the specifications	Contractor
C2. Specific requirements related to erosion control, to be detailed in an Erosion Control Plan submittal.	Contractor
C3. Construction activities in Calabazas Creek and within its banks are restricted to the period between May 1 to November 1 dry season.	Contractor
C4. Trucks hauling soil, sand, and other loose materials shall be covered.	Contractor
C5. Staging and storage areas for equipment, materials, fuels, lubricants, and solvents shall be located outside of the stream channel and banks. Equipment fueling should occur at least 20 feet from banks of Calabazas Creek. Equipment shall be checked and maintained daily to prevent leaks.	Contractor
C6. The contractor shall not dump any litter or construction debris within the riparian/stream zone. All debris and waste shall be picked up daily and properly disposed of at an appropriate site.	Contractor
C7. No work shall be conducted within nesting bird exclusion zones if nesting birds are observed by a qualified biologist (provided by the City) during surveys completed within 14 days of construction.	Contractor
C8. Access, staging and work areas within Calabazas Creek and in areas west of the pump station shall be delineated by orange construction fencing	Contractor
C9. A qualified biologist (supplied by the City) will be present during installation of the salt marsh harvest mouse exclusion fence.	Contractor

<i>Permit Compliance Measure</i>	<i>Recommended Responsible Party</i>
C10. A qualified biologist (supplied by the City) will provide a pre-construction training to all construction crew prior to the start of construction activities. The training will also be required for new construction crew arriving after the initial day of construction.	Contractor
C11. An exclusion fence with a design approved by a qualified biologist shall be installed around the perimeter of the work area west of the pump station. Structural support for the exclusion fencing shall be placed on the inside of the construction area, and the bottom will be buried to a depth of 6 inches. Exclusion fencing will be installed around the entirety of the flood control basin, downslope of the perimeter levee and wrap around the pump station inlet structure to be modified in the southwest corner, and will extend the fencing by 100 feet at the north and south corners where the work area meets an existing road. No fencing is required on the east side of the project area.	Contractor
C12. Vegetation removal for installation of the salt marsh harvest mouse exclusion fence must be completed using hand tools or hand-held mechanized tools only.	Contractor
C13. Work is limited between the hours of 7:00 AM and 6:00 PM Monday – Friday, and between 8:00 AM and 5:00 PM if work is necessary on Saturdays.	Contractor
C14. Following construction, the area of vegetation disturbance within the flood control basin and around the angle structure shall be revegetated with a mix of native vegetation appropriate for the site.	Contractor
C15. Closure of the public access trail will be minimized as much as feasible. When closure of the trail is necessary, a detour route will be provided along the levee surrounding the flood control basin. The salt marsh harvest mouse exclusion fence will be maintained while the levee detour route is in place.	Contractor
C16. The exclusion fence will be inspected daily for holes, gaps, and necessary repairs. The qualified biologist will complete weekly site inspections to manage the integrity of the exclusion fence.	Contractor